

REGULAR SESSION

JULY 25, 2019

The City Council of the City of Athens met in Regular Session on Thursday, July 25, 2019, 5:30 p.m. in the Council Chambers of the City Hall Annex, 501 N. Pinkerton St. Athens, Texas, with the following members present, to-wit:

Monte Montgomery, Mayor
Aaron Smith
Toni Clay

Elizabeth Borstad, City Manager
Bonnie Hambrick, City Secretary

Staff Present: Buddy Hill, Police Chief, Russell Marshall, Fire Chief, Tim Perry, Public Works Director, Jennifer Robertson, Director of Human Resources, Katie Birk, Tourism and Cultural Resources Coordinator, Randy Williams, Utilities Director, Audrey Sloan, Director of Development Services, Derek Whiteley, Director of Information Technology, David Campbell, Code Enforcement Officer

others present: Al Bachor, Denise York, Robert Haberle, Keith Knighton, Mary Henderson, Sytonia Peters, Rich Flowers, Audranette Tilley, Deborah Deas, Mark Carroll, Cliff Bomer, and other interested citizens;

with the following members absent: Ed McCain and Robert Gross.

constituting a quorum at which time the following proceedings were enacted, to-wit:

INVOCATION

The Invocation was given by Eldress Mary Henderson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

MAYOR, CITY COUNCIL AND/OR CITY MANAGER UPDATES
INVOLVING COMMUNITY EVENTS AND ISSUES OF PUBLIC SAFETY

Mayor Montgomery stated there is ongoing discussion addressing safety issues at the railroad crossing.

CITIZENS COMMUNICATIONS

There was no discussion.

INTRODUCTION OF DAVID CAMPBELL AS CODE ENFORCEMENT
OFFICER FOR THE CITY OF ATHENS

Audrey Sloan, Director of Development Services, introduced David Campbell as the Code Enforcement Officer for the City of Athens.

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY,
CONFIRMING THE APPOINTMENT OF TIM PERRY AS PUBLIC WORKS
DIRECTOR FOR THE CITY OF ATHENS

Elizabeth Borstad, City Manager, introduced Mr. Perry and provided his career background. She stated there were twelve total applications and Mr. Perry was by far the most qualified candidate.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay confirming the appointment of Tim Perry as Public Works Director for the City of Athens. The motion carried unanimously.

Mayor Montgomery requested item d) Consider a Resolution authorizing the City Manager to accept a proposal from Denali Water Solutions for the removal and disposal of sludge at Lake Athens Water Treatment Plant be pulled from the Consent Agenda.

CONSENT AGENDA

- a) CONSIDER APPROVING THE MINUTES OF THE JULY 8, 2019 REGULAR SESSION
- b) CONSIDER APPROVING THE MINUTES OF THE JULY 10, 2019 BUDGET WORK SESSION
- c) CONSIDER A RESOLUTION AUTHORIZING THE COST FOR APPRAISAL SERVICES WITH THE HENDERSON COUNTY APPRAISAL DISTRICT FOR 2020

A motion was made by Councilwoman Clay, seconded by Councilmember Smith to approve items a) –c) of the Consent Agenda. The motion carried unanimously.

- d) CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM DENALI WATER SOLUTIONS FOR THE REMOVAL AND DISPOSAL OF SLUDGE AT LAKE ATHENS WATER TREATMENT PLANT

Mayor Montgomery asked if the disposal of sludge was being deposited in the same location as previous disposals, with Randy Williams, Utilities Director stating it will be removed and disposed in the same location.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve item d) a Resolution authorizing the City Manager to accept a proposal from Denali Water Solutions for the removal and disposal of sludge at Lake Athens Water Treatment Plant. The motion carried unanimously.

HEAR UPDATE ON CAIN CENTER PROJECT

Mayor Montgomery stated a letter was received from the architects regarding the implementation of new ideas and bring the project forward. Mayor Montgomery further stated the City Manager is preparing a Request for Proposals for Construction Manager at Risk.

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING A REQUEST FROM MATTHEW BERRY FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO SINGLE-FAMILY – 7 (SF-7) FOR LOT 7 OF BLOCK 12 OF THE T. PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE

Ms. Sloan presented the item. She stated the property is located on East Clinton Avenue and Maryland Dr. She stated the owner proposes to subdivide the property into two separate lots to construct a Single family home on each lot and since the last City Council meeting the owner has filed deed restrictions that would prohibit manufactured homes from being installed on the property; as well as minimum square footage requirement of 1,200 square feet which applies to air condition space.

Al Bachor stated his concern is that the owner will not meet the 1,200 square feet requirement and construct a smaller home. He stated if the if deed restriction requires 1,200 square feet he no longer has a concern.

Samuel Smith stated the deed restriction removed his opposition.

Mr. Matthew stated the deed restriction was filed with the following: 1,200 square feet requirement, new construction for site build homes and he is adding a two (2) car garage per residence.

Bonnie Hambrick, City Secretary, read the caption of the Ordinance aloud.

A motion was made by Councilwoman Clay, seconded Councilmember Smith to approve final reading of an Ordinance concerning a request from Matthew Berry for approval of a zoning change from Single-Family – 10 (SF-10) to Single-Family – 7 (SF-7) for Lot 7 of Block 12 of the T. Parmer Survey A-782, also known as 801 Maryland Drive.

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
3 voted in favor of the motion and
0 voted against the motion

CONSIDER FINAL READING OF AN ORDINANCE CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTION 32.4 AND SECTION 37.6 OF THE ZONING ORDINANCE REGARDING COMMUNICATION ANTENNA AND SUPPORT STRUCTURE REGULATIONS. THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO REQUIRE A SPECIFIC USE PERMIT FOR COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES LOCATED IN RETAIL AND COMMERCIAL ZONING DISTRICTS AND TO REQUIRE A MINIMUM SETBACK GREATER THAN OR EQUAL TO THE COLLAPSE ZONE OF THE TOWER AS DESIGNED BY A REGISTERED ENGINEER IN THE STATE OF TEXAS

Ms. Sloan explained proposed amendments is to require a specific use permit for communication antennae and support structures located in Retail and Commercial zoning districts to require the setback is greater than or equal to one times the radius of the collapse zone as designed by a registered engineer in the state of Texas.

She further stated the proposed amendments would require a specific use permit to be approved for each new installation so that the surrounding property owners could be notified and so that Council may consider each application on a case by case basis.

Ms. Hambrick read the caption of the Ordinance aloud.

A motion was made by Councilmember Smith, seconded by Councilwoman Clay to approve final reading of an Ordinance concerning proposed amendments to the following Section 32.4 and Section 37.6 of the Zoning Ordinance regarding communication antenna and support structure regulations.

The purpose of the proposed amendments is to require a specific use permit for communication antennae and support structures located in Retail and Commercial zoning districts and to require a minimum setback greater than or equal to the collapse zone of the tower as designed by a registered engineer in the State of Texas.

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
3 voted in favor of the motion and
0 voted against the motion

CONSIDER FINAL READING OF A RESOLUTION AUTHORIZING ATHENS ECONOMIC DEVELOPMENT CORPORATION TO ENTER INTO ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENTS AND EXECUTE LOAN DOCUMENTS WITH HVAC MANUFACTURING INC.

Ms. Borstad explained since the first reading the following stipulations were added:

- Construction shall begin within 6 months of the date of agreement and be complete within 18 months and certificate of occupancy secured through the City of Athens Development Services Department.
- Incentive package for job creation in the amount of \$45,000 are outlined in Agreement No. 3
- Building Loan of \$324,800.00

Ms. Hambrick read the caption of the Resolution aloud.

A motion was made by Councilwoman Clay, seconded Councilmember Smith to approve final reading of a Resolution authorizing Athens Economic Development Corporation to enter into Economic Development Performance Agreements and execute Loan Documents with HVAC Manufacturing Inc.

After roll call vote the motion passed with the following record vote:

Mayor Monte Montgomery Aye
Aaron Smith, Councilmember Aye
Toni Clay, Councilmember Aye
3 voted in favor of the motion and
0 voted against the motion

DISCUSS, CONSIDER AND TAKE ACTION, AS NECESSARY, CONCERNING THE APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT WITH NORRIS DESIGN FOR MASTER PLAN UPDATE AND REVIEW

Ms. Borstad explained that staff issued a Request for Qualifications (RFQ) for a consulting firm to update the City's Master Plan. She stated that Norris Design Firm completed the RFQ.

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Mr. Leisner presented an overview of the Norris Design Firm and what will transpire with updating the City's Master Plan.

A motion was made by Councilwoman Clay, seconded Councilmember Smith to approve a Resolution authorizing the City Manager to execute contract with Norris Design for Master Plan Update and Review. The motion carried unanimously.

MAYOR AND CITY COUNCIL'S REQUEST FOR FUTURE AGENDA ITEMS

Mayor Montgomery requested an update on the Cain Center.

ADJOURN

The meeting adjourned at 6:09 p.m.

PASSED AND APPROVED THIS THE 12th DAY OF AUGUST, 2019.

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary